

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Knoerzer, et al.

Application No.:

10/685,186

Filing Date:

October 14, 2003

Title:

Flexible Film Packaging Having Removable Strip

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.182**

Dear Sir:

This petition is filed in response to a Notice of Omitted Item(s) in a Non-provisional Application, mailed on 01/21/2004, for the application listed above. This notice alleges that Figures 9a and 9b, mentioned in the specification, were not present in the application at the time of filing. Petitioner respectfully petitions the Commissioner of Patents and Trademarks to withdraw this notice and grant a filing date of October 14, 2003 to this application.

The facts in this application are as follows:

The application was filed on October 14, 2003, by depositing required elements with the U.S. Postal Service in an Express Mail envelope with label number EV 333422755 US. A return postcard was included, listing the contents of the application. A copy of that return postcard, stamped in the Patent Office, is enclosed. It is noted that this postcard lists seven (7) pages of drawings; it is further noted that the mailroom staff did not dispute the listed number of drawings, as they are required to do if they see a discrepancy (MPEP 503, "Return Postcard"). The enclosed copy of the disputed drawings shows that these figures occupy page 7 of 7 pages and are thus part of the drawings listed on the postcard.

Petitioner further submits that the application file in the office of the undersigned agent contains a copy of all seven pages of the drawings and that the drawings in this file are copies made from the originals filed with the Patent Office.

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It is submitted, therefore, that on the basis of this evidence, the original filing date of October 14, 2003 should be granted to this application. Petitioner has enclosed a new copy of Figures 9a & 9b for the Patent Office's file.

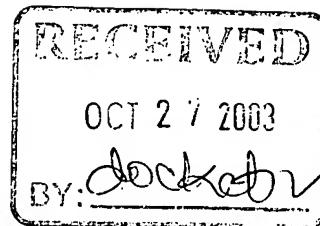
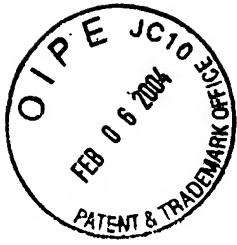
The petition fee in the sum required under 37 CFR 1.17(h) is enclosed. However, the Commissioner is respectfully requested to refund the petition fee, as this is believed to be a Patent Office error. I authorize the Commissioner to charge any additional required fees or to refund any fees to Deposit Account No. 50-0392.

Date: February 2, 2004

Respectfully submitted,



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Mailing Date: October 14, 2003  
Attorney: Colin P. Cahoon  
In Re: Knoerzer et al.  
For: Flexible Film Packaging Having Removable Strip  
Serial No.: Not Yet Assigned  
Filed: October 14, 2003  
Docket No.: CFLAY.00193

On the date stamped hereon, the United States Patent and Trademark Office received the following:

19270 U.S. PTO  
Transmittal Form (1 pg.); 10/685186  
Fee Transmittal (in duplicate) (2 pgs.);  
Check in the Amount of \$896.00 (1 pg.);  
Declaration and Power of Attorney (3 pgs.); 101403  
Patent Application (15 pgs. spec. & abstract, 3 pgs. claims );  
7 pages of formal drawings; and  
This Postcard Receipt (1 pg.)



Total Pages = 33

*Copy of return postcard*